

2013 CAA Notices Of Intent to Sue Against EPA

On Behalf Of	Against	Date Letter	Date Received	Statute	State	General Description
WildEarth Guardians	Lisa Jackson, Administrator	01/11/13	01/14/13	CAA	ID Idaho	Failure to Make a Finding that Utah and Idaho Failed to Submit State Implementation Plans to Attain the PM25 National Ambient Air Quality Standards as Required by Part D, Subpart 4 of the Clean Air Act
WildEarth Guardians		01/15/13	01/23/13	CAA	CO Colorado	failure to take action on several Clean Air Act State Implementation Plan ("SIP") submissions from the States of Colorado, South Dakota, and Utah
BCCA Appeal Group	Administrator Lisa Jackson	01/25/13	01/30/13	CAA	TX Texas	failure to act on Texas SIP submittals relating to air quality permitting
Sandra L. Bahr and David Matusow	Bob Perciasepe, Acting Administrator	02/15/13	02/21/13	CAA		failed to take final action with regard to the replacement 5% PM-10 plan or promulgate a FIP and impose highway funding sanctions
American Lung Association, Natural Resources Defense Council, and Sierra Club	Mr. Bob Perciasepe <input type="checkbox"/> Acting Administrator <input type="checkbox"/>	03/13/13	03/13/13	CAA		failure to perform non-discretionary duties related to the review of the national ambient air quality standards for ozone

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Sierra Club	Bob Perciasepe, Administrator	03/13/13	03/18/13	CAA	GA Georgia	for failure to grant or deny a petition requesting EPA to object to the issuance of the revised proposed Title V Operating Permit for Georgia Power's coal-fired McIntosh Steam-Electric Generating Plant in Rincon, Georgia
Sierra Club	Bob Perciasepe, Administrator□	03/13/13	03/18/13	CAA	GA Georgia	for failure to grant or deny a petition requesting EPA to object to the issuance of the revised proposed Title V Operating Permit for Georgia Power's coal-fired Kraft Steam-Electric Generating Plant in Port Wentworth, Georgia
Sierra Club	Bob Perciasepe, Administrator□	03/13/13	03/18/13	CAA		for failure to grant or deny a petition requesting EPA to object to the issuance of the revised proposed Title V Operating Permit for Georgia Power's coal-fired Wansley Steam-Electric Generating Plant in Carrollton, Georgia
Environmental Defense Fund, Sierra Club and Natural Resources Defense Council	Bob Perciasepe□ Acting Administrator	03/27/13		CAA		failure to issue final NSPS regulating emissions of carbon dioxide from new EGUs and failure to issue proposed and final emission guidelines for emissions of carbon dioxide from existing EGUs

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American Lung Association, Natural Resources Defense Council, Sierra Club, and Environmental Defense Fund	Bob Perciasepe <input type="checkbox"/> Acting Administrator	03/28/13		CAA		for failure to perform non-discretionary duties related to the review of the NAAQS for Ozone. (update of NOI dated March 13, 2013)
Center for Biological Diversity	Bob Perciasepe <input type="checkbox"/> Acting Administrator <input type="checkbox"/> U.S. Environmental Protection Agency	03/29/13	04/04/13	CAA	AZ Arizona	failure to promulgate a FIP within two years after finding that the State of Arizona failed to submit a SIP to attain NAAQS for PM10 in Maricopa County
Environmental Defense Fund, Sierra Club and Natural Resources Defense Council	Bob Perciasepe <input type="checkbox"/> Acting Administrator <input type="checkbox"/> Environmental Protection Agency	04/15/13	04/15/13	CAA		failure to issue final NSPS regulating emissions of GHGs from new EGUs and failure to issue proposed and final emission guidelines for emissions of GHGs from existing EGUs

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The States of New York, Connecticut, Delaware, Maine, New Mexico, Oregon, Rhode Island, Vermont, and Washington, the Commonwealth of Massachusetts, the District of Columbia and the City of New York	Bob Perciasepe, Acting Administrator for Environmental Protection Agency	04/17/13	04/22/13	CAA		failure to promulgate final standards of performance for greenhouse gas emissions from new electric utility generating units (power plants) and to issue emission guidelines for existing power plants
Conservation Law Foundation	Robert Perciasepe Acting Administrator Environmental Protection Agency	04/25/13	04/29/13			failure to timely promulgate new source standards of performance and regulations providing emission guidelines for certain greenhouse gas emissions from fossil fuel-fired electric utility generating units (power plants)
Sierra Club	Administrator	05/21/13	05/29/13	CAA	PA Pennsylvania	failure to grant or deny petitions to object to the proposed Title V permits for seven Pennsylvania power plants

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Sierra Club	Bob Perciasepe <input type="checkbox"/> Acting Administrator	05/23/13	05/23/13	CAA	MD Maryland	failure to issue a finding of failure to submit a SIP addressing the Baltimore 1997 ozone NAAQS serious nonattainment area
Clean Air Council	Bob Perciasepe, Acting Administrator	05/30/13	06/10/13	CAA	PA Pennsylvania	Failure to make a finding that Pennsylvania is failing to implement its SIP; for failure to determine that PA is not adequately administering and enforcing its CAA Title V permitting program; and failure to sanction PA for these actions
Sierra Club and Natural Resources <input type="checkbox"/> Defense Council	Administrator <input type="checkbox"/> U.S. Environmental Protection Agency	06/04/13	06/04/13	CAA		failure to make SO2 NAAQS designations
Oregon State		06/06/13	06/12/13	CAA	OR Oregon	failure to determine whether standards of performance are appropriate for methane emissions from oil and gas operations and, if so, to issue methane standards and emissions guidelines
WildEarth Guardians	Bob Perciasepe <input type="checkbox"/> Acting Administrator	06/20/13		CAA		for failure to make a finding that Utah and Idaho failed to submit SIPs to attain the PM2.5 NAAQS as required by part D, subpart 1 of the CAA

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Sierra Club and Natural Resources Defense Council	Administrator □ U.S. Environmental Protection Agency	06/25/13	07/01/13	CAA		supplemental notice for failure to designate areas for the 2010 SO <sub>2</sub> NAAQS
Pio Pico Energy Center, LLC	Robert Perciasepe □ Acting Administrator □ United States Environmental Protection Agency	06/25/13		CAA	CA California	suit to complete action on a PSD permit currently on appeal to the EAB based on the one-year deadline in section 165(c) of the CAA
States of North Dakota, Nevada, South Dakota, and Texas	Administrator	07/03/13	07/09/13	CAA		failure to designate areas for SO <sub>2</sub> NAAQS
BCCA Appeal Group	Administrator	07/08/13	08/15/13	CAA	TX Texas	failure to promulgate designations of areas for the 1-hour NAAQS for sulfur dioxide
Commissioners of the County of Berks, Pennsylvania	Bob Perciascepe □ Acting Administrator	07/16/13	07/22/13	CAA	PA Pennsylvania	failing to make a finding of failure to develop a SIP addressing the North Reading 2008 Lead NAAQS Nonattainment Area and the Lyons 2008 Lead NAAQS Nonattainment Area

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Wild Equity Institute, Communities for Better Environment, and Center for Biological Diversity	Acting Administrator Bob Perciasepe, Secretary of Interior Sally Jewell, and Pacific Gas & Electric Company	07/24/13	07/29/13	CAA	CA California	for illegally issuing federal CAA permits to the Gateway Generating Station without consulting with the Fish and Wildlife Service
New York, Connecticut, Maryland, Massachusetts, Oregon, Rhode Island, Vermont, Puget Sound Clean Air Agency		08/01/13		CAA		failure to timely review and revise the NSPS for Residential Wood Heaters under the CAA
The Attorneys General of New York, Connecticut, Maryland, Massachusetts, Oregon, Rhode Island, and Vermont and the	Administrator McCarthy	08/01/13	08/02/13	CAA		failure to timely review and revise the NSPS for Residential Wood Heaters under the CAA

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American Lung Association, Clean Air Council, Environmental Defense Fund, and Environment and Human Health, Inc.	Administrator McCarthy	08/01/13	08/02/13	CAA		failure to timely review and revise the NSPS for Residential Wood Heaters under the CAA
The State of North Carolina	Gina McCarthy, Administrator	08/02/13	08/08/13	CAA		Failure to Designate Areas for the 2010 S02 National Ambient Air Quality Standard
Environmental Integrity Project and Benjamin Feldman	Administrator Gina McCarthy	08/06/13	08/12/13	CAA	MD Maryland	Failure to Grant or Deny Plaintiffs' Petition to Object to the Proposed Title V Operating Permit for Mettiki Coal preparation/ processing plant
Oklahoma Gas & Electric Company	Gina McCarthy□ Administrator	08/23/13		CAA	OK Oklahoma	failure to grant or deny the petition for reconsideration and request for administrative stay that OG&E and the State of Oklahoma submitted for EPA's final rule titled "Approval and Promulgation of Implementation Plans; Oklahoma; Federal Implementation PI



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Sierra Club, California Communities Against Toxics	Gina McCarthy, Administrator	08/23/13		CAA		Failure to fulfill mandatory duty to complete risk and technology review (RTR) under CAA 112(d)(6) and 112(f) with respect to 46 categories of sources.
Sierra Club, California Communities Against Toxics	Ms. Gina McCarthy □ Administrator	08/23/13	09/12/13	CAA		Failure to conduct residual risk and technology reviews for 46 source categories pursuant to CAA section 112(d)(6) and (f)(2)
Center for Biological Diversity	Gina McCarthy □ Administrator	08/28/13	09/04/13	CAA		for failure to make a finding of failure to submit and take final action for 2006 PM2.5 NAAQS nonattainment areas
Wildearth Guardians		10/07/13	10/22/13	CAA	UT Utah	alleging EPA's failure to issue or deny a title V permit for Deseret Bonanza Power Plant in Utah
Sierra Club		10/15/13	10/28/13	CAA		for failure make a finding of failure to submit for state implementation plan amendments to add particulate matter less than 2.5 microns in diameter (PM2.5) increments
Sierra Club	Administrator	10/15/13	10/21/13	CAA	MT Montana	for failure to promulgate a Federal Implementation Plan for Montana's SIP-approved PSD program to properly regulate nitrogen oxides as an ozone precursor

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American Petroleum Institute	Gina McCarthy, Administrator	10/17/13		CAA		for failure to issue the 2014 Renewable Fuel Standard Regulations
American Petroleum Institute	Administrator	10/17/13	10/21/13	CAA		failure to meet statutory deadlines to set biomass-based diesel and renewable fuel requirements for 2014 standards
Sierra Club	Gina McCarthy, Administrator	10/21/13	10/28/13	CAA		for failure to take final action on 2008 ozone NAAQS infrastructure state implementation plan submittals and failure to make finding of failure to submit
Center for Biological Diversity	Gina McCarthy□ Administrator	11/25/13	11/26/13	CAA		failure to make a finding of failure and take final action for□ 2006 PM2.5 NAAQS nonattainment areas
State of Wyoming	Gina McCarthy, Administrator	11/27/13	12/03/13	CAA	WY Wyoming	failure to act on Wyoming's nonattainment NSR SIP submission
Auto Industry Forum	Administrator	12/06/13	12/16/13	CAA		for failure to promulgate standards under 112(d) for five major source categories

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Nucor Steel-Arkansas, Nucor-Yamato Steel Company	Administrator	12/12/13	02/19/14	CAA		failure to grant or deny Nucor's petition for an objection to Title V Operating Permit issued to Big River Steel by the Arkansas Department of Environmental Quality for a steel manufacturing facility in Osceola, Arkansas
Wild Equity Institute	Gina McCarthy EPA Administrator	12/17/13	12/23/13	CAA	CA California	alleging EPA's failure to respond to a title V petition for Gateway Generating Station, Antioch, CA